

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

| | | |
|---------------------------------------|---|----------------------------------|
| DAVAYON JERRELL SAUNDERS, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 7:22cv00219 |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| SHERIFF ANTONIO HASH, <i>et al.</i> , |) | By: Hon. Thomas T. Cullen |
| |) | United States District Judge |
| Defendants. |) | |

Plaintiff Davayon Jerrell Saunders, a Virginia inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On May 10, 2022, the court ordered Saunders to show cause, within seven days, why this case should not be dismissed as duplicative of the claims raised in Civil Action No. 7:22cv71. (*See* ECF No. 7.) The court warned Saunders that failure to respond to the court’s order would “result in dismissal of this action without prejudice.” (*Id.*) The court also advised Saunders that if he intends to proceed in only one case (Civil Action No. 7:22cv71), he could so notify the court or wait for his response time to expire. (*Id.*) Saunders did not respond to the court’s order and, therefore, the court will dismiss this action without prejudice.¹

The clerk is directed to forward a copy of this Memorandum Opinion and accompanying Order to Saunders.

ENTERED this 26th day of May, 2022.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE

¹ On May 13, 2022, the court received an unsigned request from Saunders, asking the court to send summonses to the defendants. (*See* ECF No. 13.) The court notes that the filing is not responsive to the court’s May 10 order and, in fact, was dated May 8 and mailed to the court on May 9, the day before the court’s order was entered. (*Id.*)